UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS - AUSTIN DIVISION

UNITED STATES OF AMERICA
v.
TERRENCE MITCHELL

ORDER OF DETENTION PENDING TRIAL

CASE NO. A-04-257M

FILED
AUG 24 2004
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY
DEPUTY CLERK

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I - Findings of Fact

Alternate Findings (A)

☐ (1) There is probable cause to believe that the defendant has committed an offense.
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. 801 et. seq.
- ☐ under 18 U.S.C. § 924(c).

☐ (2) The defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community, as established by finding (1).

Alternate Findings (B)

☐ (1) There is serious risk that the defendant will not appear.
- ☐ The defendant is not a citizen of the United States and is not lawfully admitted for permanent residence.

☐ (2) There is serious risk that the defendant will endanger the safety of another person or the community.

Alternate Findings (C)

☐ The defendant is currently on probation, supervised release, or parole for an offense under federal, state or local law.

Alternate Findings (D)

☑ After consulting with counsel, the defendant waived his/her right to a hearing at this time, without prejudice to seeking release in the future.

Part II - Written Statement of Reasons for Detention

Based on the findings set forth above, I find that the credible testimony and information submitted at the hearing establishes by:

☐ a preponderance of the evidence that no condition or combination of conditions will reasonably assure the defendant's appearance.

☐ clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of the community.

Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility seperate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a Court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the U.S. Marshal for the purpose of an appearance in connection with a Court proceeding.

Date: **Tuesday, August 24, 2004**

Signature of Judicial Officer

ROBERT PITMAN, UNITED STATES MAGISTRATE JUDGE

Name and Title of Judicial Officer

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